

filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FILED

APR - 8 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JURY Demand

ROMEO EZIKE

Plaintiff

v.

MR. Lakshmi Mittal

Defendant

Hoffman Enclosures, Inc.,

Defendant

DHL

Defendant

City of Chicago

Defendant

Amtrak

Defendant

Elgin Mental Health Center

Defendant

Cook County Jail

Defendant

Brian Nolan

Defendant

Kenneth Wadas

Defendant

Richard Kruss

Defendant

Julie Shopnitz SW11

Defendant

A. Nidea

Defendant

Romulo Nazareno

Defendant

Ms. Diana Garcia- Camilo

Defendant

Teamsters Union

Defendant

Hargurmukh Singh

Defendant

Elizabeth Siavon RN Nurse

Defendant

Northern District Federal

Court of Illinois Defendant

Defendant

7 MEJ

1. This Court has Jurisdiction over this Issue because it arises under the Laws of the United States, it is a Constitutional question based on 28 U.S.C. 1345.
  2. Venue is appropriate it is a Diversity of Citizenship and a Title 18 U.S.C section 1962c, 1962d, RICO Act, section 4 of the Clayton Act, 15 USC section 15. Plaintiff is requesting it to be assigned to San Francisco or Oakland. (*Sedima v Imrex Co.* 741 F.2d 482, 488-489 nn 18-20 (2d Cir. 1984)(tracing the evolution of RICO Civil Enforcement provision, and noting that the provision was patterned on the Clayton Act) *Sedima SPRL v Imrex Co.*, 473 US 479, 486 (1985). Plaintiff is seeking to recover damages to Business and property in the amount of 25,000,000 million dollars under section 1964c, 1965
  3. Plaintiff Romeo Ezike is pro-se (*Haines v Kerner*, 404 U.S 519, 520, 92 s. Ct. 594, 30 L. Ed. 2d 652 (1972), *Richardson v. United States*, 338 U.S App. D.C 265, 193 F. 3d 545, 548 (D C Cir. 1999), (*Denton v Hernandez*, 504 U.S. 25, 33, 112 s. Ct. 1728, 118 L. Ed. 2d 340 (1992), and *United States Citizen, College Educated* residing in San Francisco, California. Mr. Romeo Ezike has various worked skills, but is disabled and cannot work due to disability he suffered as a result of campaign of harassments that has resulted in injury to business/property and physical injury. (*Holmes v. Securities Investor Protection Corp.*, 503 U.S 258, 112 s. Ct 1311, 117 L. Ed. 2d 532 (1992); *Trollinger v Tyson Foods, Inc*; 370 F. 3d 602, 2004 Fed. App. 0165p (6<sup>th</sup> Cir. 2004).
- Mr. Lakshmi Mittal: Plaintiff is making the claimed that
4. Mr. Lakshmi Mittal is the RICO person who is liable under RICO 1962c, 1962d and 1964c, and is subject to the Clayton Act section 4, 15 USC section 15. *Sedima SPRL v Imrex Co.*, 473 US 479, 486 (1985).
  5. Plaintiff is claiming that Mr. Lakshmi Mittal 's law firm Seyfarth Shaw is the leader of the enterprises that was formed without an economic motive, but to harass, punished, obstruct and retaliate against plaintiff for petitioning the government, and engaging in protected activity in a judicial proceeding. *National Organization for women, Inc v Scheidler*, 510 US 249, 258 (1994) (holding that congress's use of the word "enterprise" does not lead to "the inference that an economic motive is required") 18 U.S.C section 1963. Plaintiff is claiming that the enterprises have engaged in at least two prohibited acts as defined in Title 18 U.S.C section 1961. In *H. J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 109 S. Ct. 2893, 106 L. Ed. 2d 195 (1989). Plaintiff can satisfy the "continuity" requirement by showing either a "closed period of repeated conduct, or past conduct that by its nature projects into the future with a threat of repletion. "Id at 2902.
  6. Plaintiff is claiming that Mr. Lakshmi Mittal is the beneficiary of predicate acts committed by the enterprises, corporation and individuals seeking his interest. "Sixth Circuit theory of "LEGAL Separateness" to conclude that related Corporations, owners, and officers were sufficiently distinct to constitute separate RICO "PERSONS" AND "ENTERPRISES" *Fleischhauer v Feltner*, 879 F.2d 1290 (6<sup>th</sup> Cir. 1989), cert. denied, 493 U.S 1074 (1990) *Fleischhauer v Feltner*, 879 F.2d 1297 enterprise distinct from the defendants. The Sixth Circuit's

Fleischhauer decision holding that a corporation and its owner are sufficiently distinct for RICO person/enterprise purposes is both consistent with the traditional recognition of related Corporations as separate legal entities and with the trend of RICO case law in other jurisdictions. *Securiton Magnalock Corp. v Schnablock*, 65 F. 3d 256, 263 (2d Cir. 1995) *Jaguar Cars, Inc. v Royal Oaks Motor Car Co. Inc.* 46 F. 3d 258, 268 (3d Cir. 1995) (legal separateness approach) A Corporation is an entity legally distinct from its officers or employees, which satisfy the enterprise definition. *U.S v. Cappetto* 502 F. 2d 1351 19 Fed. R. Serv. 2d 346 (7<sup>th</sup> Cir. 1974); *Matter of EDC, Inc.*, 930 F.2d 1275 (7<sup>th</sup> Cir 1991).

#### **7. Hoffman Enclosures, Inc**

- A. Plaintiff is claiming that Hoffman Enclosures, Inc retaliated against him for engaging in protected activity in a judicial proceeding. *DeAngelis v El. Paso Municipal Police Officer's Ass'n.*, 51 F 3d 591 (5<sup>th</sup> Cir.), Cert. denied 116 S. Ct. 473 (1995); *Davis v Tri- State Mack Distributor*, 981 F. 2d 340 (8<sup>th</sup> Cir. 1992)
- B. Plaintiff is claiming that Hoffman Enclosures, Inc. violated title U.S.C section 1512 Title 18 U.S.C
- C. Plaintiff is claiming that Hoffman Enclosures, Inc., is an enterprise that has engaged in prohibited acts as defined in Title 18 U.S.C section 1961. A RICO "enterprise" can be "virtually any de facto or de jure association" *Seville Indus. Mach. Corp. v Southmost Mach Corp.*, 742 F.2d 786, 789 (3<sup>rd</sup> Cir. 1984) Proof of an enterprise need not be strictly separate from the proof of a pattern of Racketeering activity; *Mccarthy v Barnett Bank of Polk County* 750 F. Supp. 1119 (M.D. Fla. 1990) *Nelson v Nationwide Mortg. Corp.*, 758 F. Supp. 747 (D. DC 1991) A Plaintiff need not, however, establish his damages through documentary evidence. *OSRecovery Inc. v One Group Intern; Inc.* 380 F. Supp. 2d 243 (S.D.N.Y 2005)
- D. Plaintiff is claiming that Hoffman Enclosures, Inc violated Title 18 U.S.C section 1505
- E. Plaintiff is claiming that Hoffman Enclosures, Inc violated Title 18 U.S.C section 1513.

#### **8. DHL**

- A. Plaintiff is claiming that DHL violated Title 18 U.S.C section 1505.
- B. Plaintiff is claiming that DHL violated Title 18 U.S.C section 1513.
- C. Plaintiff is claiming that DHL violated Title 18 U.S.C section 1512.
- D. Plaintiff is claiming that DHL retaliated against him for engaging in protected activity in a judicial proceeding. *Robinson v Shell OIL Company* 519 U.S. 337 (1997). EEOC compliance manual section 8 chapter 11 part D. *Passer v. American Chemical Society*, 935 f. 2d 322, 331 (D.C. Cir. 1991) (EEOC section 704(a) broadly prohibits an employer from discrimination against its employees in any way for engaging in protected activity and does not "limit its reach only to acts of retaliation that take the form of cognizable employment action such as discharge, transfer or demotion.



- E. Plaintiff is claiming that DHL is an enterprise that is engage in obstruction and retaliation in a judicial proceeding.

**CITY OF Chicago:**

9. Plaintiff is claiming that the city violated his rights under Title V11 of the Civil rights Acts of 1964.
10. Plaintiff is claiming that the City of Chicago violated his Fourth Amendment 42 USC Section 1983, Fourteen Amendment due process and violated his rights under the common law of Illinois. "Mcdonnell Douglas Corp. v Green, 411 U.S 792, 802-05, 93 S. Ct.1817, 1824-26, 36 L. Ed. 2d 668 (1973); International BHD, of Teamsters v. United States, 431 U.S 324, 325-36 & N. 15, 97 S. Ct 1843, 1854-55 & N. 15, 52 L. Ed. 2d 396(1977). Jones v City of Chicago, 856 F. 2d 985, 994(7<sup>th</sup> Cir. 1988); Patton v Przybylski, 822 F. 2d 697, 699 (7<sup>th</sup> Cir. 1987)
11. Plaintiff is claiming intentional infliction of emotional distress, as well as conspiracy to commit these wrong.
12. Plaintiff is claiming that the City is part of an enterprise to obstruct and retaliate in a judicial proceeding.

**Cook County Jail**

13. Plaintiff is claiming that Cook County Jail violated his eighth, fourteen, sixth, seventh, fifth amendments protected under the constitution of the United States of America.
14. Plaintiff is claiming intentional infliction of emotional distress, as well as conspiracy to commit these wrong.
15. Plaintiff is claiming that Cook County Jail is a part of an enterprise engage in prohibited acts to obstruct and retaliate in a judicial proceeding...

**Elgin Mental Health Center:**

16. Plaintiff is claiming that EMHC violated his eighth, fourteen, sixth, fifth, and seventh amendments rights protected under the constitution of the United States of America.
17. Plaintiff is claiming that EMHC intentional infliction of emotional distress and defamation of his character.
18. Plaintiff is claiming that EMHC is an enterprise engaged in prohibited activities to obstruct and retaliate against Plaintiff for engaging in a judicial proceeding.
19. Plaintiff is claiming that EMHC violated Title 18 USC 1505.
20. Plaintiff is claiming that EMHC violated Title 18 USC 1513.

**Brian Nolan**

21. Plaintiff is claiming that Brian Nolan intentional conduct caused a deprivation of his constitutional rights (Dimmig v Wahl, 983 F. 2d 86, 87 (7<sup>th</sup> Cir. 1983); Hishon V King and Spalding, 467 U.S 69, 73, 81 l. Ed. 2d 59, 104 S. ct. 2229 (1984); Murphy v Lane, 833 F. 2d 106, 107 (7<sup>th</sup> Cir 1987).
22. That Brian Nolan of Amtrak deprive him of his rights protected under the Constitution of the U.S.A.
23. That Brian Nolan of Amtrak Police acting under the cover of State law in so depriving him. (West v Atkins 487 U.S 42, 50 (1988); Bowman v City of Frakling, 980 F. 2d 1104 (7<sup>th</sup> Cir. 1992).

24. Plaintiff is claiming that Brain Nolan of Amtrak Police violated TITLE 18 U.S.C section 1503. United States v. Neal, 951 F. 2d 630, 632 (5<sup>th</sup> Cir. 1992); United States v. Vesich, 724 F. 2d 451, 454 (5<sup>th</sup> CIR. 1984).
25. Plaintiff is claiming that Brian Nolan of Amtrak Police engaged in a conspiracy to violate sec. 1503.
26. That Brain Nolan of Amtrak Police intentional infliction of emotional distress and defamation.
27. Plaintiff is claiming that Brian Nolan of Amtrak Police is a part of an enterprise engaged in obstruction and retaliation of a judicial proceeding.

**Judge Kenneth Wadas:**

28. Plaintiff is claiming that Judge Kenneth Wadas of Cook County Criminal Court violated his rights protected under the Constitution of the United States of America.
29. Plaintiff is claiming that Judge Kenneth Wadas violated his rights to the fifth, sixth, seventh eighth, fourth and fourteen amendments protected under the Constitution of the United States of America.
30. Plaintiff is claiming that Judge Kenneth Wadas is a part of an enterprise engaged in obstruction and retaliation in a judicial proceeding.
31. That Judge Kenneth Wadas acting under the cover of state law in so depriving him.

**32. Richard Kruss Public Defendant Cook County Criminal Court:**

- A. Plaintiff is claiming that PD Richard Kruss violated his rights protected under the Constitution of the United States of America.
- B. That PD Richard Kruss acting under the cover of state law in so depriving him.
- C. Plaintiff is claiming that PD Richard Kruss violated his fifth, sixth, eighth, seventh, and fourteen amendments of the United States Constitution.
- D. Plaintiff is claiming that PD Richard Kruss intentional infliction of emotional distress.
- E. That PD Richard Kruss is a part of an enterprise engaged in obstruction and retaliation in a judicial proceeding.

**33. Ms. Diana Garcia- Camilo Assistant Prosecutor of Cook County Criminal Court**

- A. Plaintiff is claiming that the assistant prosecutor violated his rights protected under the Constitution of the United States of America.
- B. That the assistant persecutor violated his fourth, fifth, sixth, eighth, seventh, and fourteen amendments.
- C. That the assistant persecutor acting under the cover of state law in so depriving him.
- D. That the assistant persecutor is part of an enterprise engaged in obstruction and retaliation in a judicial proceeding.

**34. Teamsters Union**

- E. Plaintiff is claiming that the teamsters union violated Title 18 U.S.C 1505.
- F. That the Teamsters Union violated Title 18 section 1506.
- G. That the Teamsters Union violated Title 18 section 1512.
- H. That the teamsters Union violated Title 18 section 1513.
- I. That the Teamsters Union is an enterprise engaged in obstruction and retaliation in a judicial proceeding.
- J. Plaintiff is claiming intentional infliction of emotional distress and defamation of character.

**35. Julie Shopnitz SW11 Elgin Mental Health Center:**

- A. Plaintiff is claiming that Julie Shopnitz SW11 of EMHC intentional violated his rights protected under the Constitution of the United States.
- B. That Julie Shopnitz SW11 acting under the cover of state law in so depriving him.
- C. That Julie Shopnitz SW11 is a part of an enterprise engaged in obstruction and retaliation of a judicial proceeding.
- D. That Julie Shopnitz SW11 violated Title 18 USC 1505; 1506; 1512; 1513.
- E. That Julie Shopnitz intentional inflicted emotional distress and defamation.
- F. That Julie Shopnitz violated his fifth, sixth, seventh eighth, and fourteen amendments.

**36. A. Nidea M.D of Elgin Mental Health Center:**

- A. Plaintiff is claiming that Dr. A. Nidea of EMHC intentional violated his rights protected under the Constitution of the United States of America.
- B. That A. Nidea acting under the color of state law in so depriving him.
- C. That A. Nidea is part of an enterprise engaged in obstruction and retaliation in a judicial proceeding.
- D. That Dr. Nidea of EMHC violated Title 18 U.S.C 1505; 1506; 1512; 1513.
- E. That Dr. Nidea of EMHC intentionally inflicted emotional distress.

**37. Romulo Nazareno Psychiatrist Elgin Mental Health Center:**

- A. Plaintiff is claiming that Romulo Nazareno of EMHC intentionally violated his rights protected under the Constitution of the United States of America.
- B. That Romulo Nazareno Psychiatrist of EMHC acting under the cover of state law in so depriving him.



- C. Plaintiff is claiming that Romulo Nazareno Psychiatrist of EMHC violated <sup>his</sup> ~~is~~ rights under the fifth, sixth, seven, eighth, and fourteen amendments of the United States Constitution.
  - D. Plaintiff is claiming that Romulo Nazareno Psychiatrist of EMHC violated Title 18 U.S.C 1503; 1512 (b) (c)(d); 2340A.
  - E. Plaintiff is claiming that Romulo Nazareno Psychiatrist is part of an enterprise engaged in prohibited activity as defined in Title 18 U.S.C 1961 to obstruct and retaliate in a judicial proceeding.
  - F. Plaintiff claiming that the closing of his case in the Seventh Circuit Court of Appeal number 04-3585 & 05-4413, and his missing evidence at 1313 Wabash storage that was demolished while he was in custody is the direct result of his illegal custody situation.
38. **Hargurmukh Singh** Psychiatrist of Elgin Mental Health Center:
- A. Plaintiff is claiming that Hargurmukh Singh Psychiatrist of EMHC intentionally violated his rights protected under the Constitution of the United States of America
  - B. That Hargurmukh Singh Psychiatrist of EMHC acting under the cover of state law in so depriving him.
  - C. Plaintiff is claiming that Hargurmukh Singh Psychiatrist of EMHC violated his fifth, sixth, seventh, eighth, and fourteen amendments of the United States Constitution.
  - D. Plaintiff is claiming that Hargurmukh Singh Psychiatrist of EMHC violated Title 18 U.S.C 1503; 1512 (b) (c) (d); 2340A.
  - E. Plaintiff is claiming that Hargurmukh Singh Psychiatrist of EMHC is part of <sup>an</sup> enterprise engaged in prohibited activity as defined in Title 18 U.S.C 1961 to obstruct and retaliate in a judicial proceeding.
  - F. Plaintiff is claiming that the closing of case in the Seventh Circuit Court of Appeal number 04-3585, 05-4413, and his missing evidence at 1313 Wabash Storage is a direct result of his illegal custody situation.
39. **Elizabeth Siavon RN** Nurse of Elgin Mental Health Center:
- A. Plaintiff is claiming that Elizabeth Siavon RN Nurse of EMHC intentionally violated his rights protected under the Constitution of the United States of America.
  - B. That Elizabeth Siavon RN Nurse acting under the cover of state law in so depriving him.
  - C. Plaintiff is claiming that Elizabeth Siavon RN Nurse violated his eighth and fourteen amendments protected under the Constitution of the United States of America.
  - D. Plaintiff is claiming that Elizabeth Siavon RN Nurse violated Title 18 U.S.C section 1503; 1512 (b) (c) (d); 2340 A.
  - E. Plaintiff is claiming that Elizabeth Siavon RN Nurse is part of an enterprise engaged in obstruction and retaliation in a judicial proceeding.
40. **Northern District Federal Court of Illinois:**
- A. Plaintiff is claiming that the Northern District Federal Court of Illinois is an enterprise engaged in obstruction and retaliation of a judicial proceeding.

- B. Plaintiff is claiming that the Northern District Federal Court Illinois violated his rights under the fifth and fourteen amendments of the United States Constitution.
- C. Plaintiff is claiming that as the result of that he has suffered injury in his business/property.

**41. HISTORY OF THE CASE:**

- A. Plaintiff was probing a syndicate from New York City in the illegal dumping of toxic waste in his native country geographic area in 1981(Liberia). Plaintiff believes as a result of that investigation he became a target of the teamsters union for harassments that would lead into several set-ups.
- B. In 1993 in a series of set-ups he plea-bargains to a sexual assault charge that he did not commit and blame on set-ups by the teamsters union in Alameda County, California.
- C. In 2000 again as a result of set-ups he landed at Hoffman Enclosures, Inc., a Corporation owned by Mr. Lakshmi Mittal and unionized by the teamsters union. During that period he was a target of additional harassments both from the teamsters union and people working for Mr. Lakshmi Mittal as a result of him discovering violation of federal laws, and getting involved in labor issues at the Corporation.
- D. Plaintiff filed grievances with the Minnesota Human Rights Commission and the EEOC. As the result of his participation in this process a campaign of harassments began that included violation of Title 18 U.S.C 1503, 1512 (b) (c) (d). Plaintiff was literally chased and terrorized to prevent him from suing after he got the right to sue from the EEOC in 2001.
- E. In another set-up 2002, he landed at McDelivery another Corporation associated with Mr. Lakshmi Mittal and the Teamsters Union for harassments. The harassment got so intense that Plaintiff took off and went to Brazil seeking refuge. Plaintiff returned from Brazil after a little less than two months and was chased from States to States. Plaintiff went indoor for most of 2003, at this point he had been label pimp, snitch, supported of terrorism, terrorist and child molested, but of course there were no evidence to support any of these labels; It was meant to keep him from filing grievances in court and to continue the campaign of harassments.
- F. Plaintiffs continue to collect evidences of his harassments. Evidences that would later be stolen from storage by the enterprises of Mr. Lakshmi Mittal.
- G. In 2004, in another set-up to finish him off he landed at DHL, another of Mr. Lakshmi Mittal's Corporation. Again the pattern of violation of Title 18 U.S.C section 1503, 1512 (b)(c)(d) continue, Plaintiff again got the right to sue from EEOC after filing grievances, it was during this period that Plaintiff filed a Civil Rights violation and Title V11 violation as a pro-se under RICO. Case number 1:04 cv 04476 Romeo Ezike v Hoffman Enclosures, Inc., Mike Bauman, and DHL.
- H. In 2005, after so many irregularities that were allowed by the magistrate in discovery, committed by the powerful law firm of Seyfarth Shaw the case was dismissed. Plaintiff filed an appeal with the Seventh Circuit Court of Appeal.



- Once the Appeal number was issue 05-4413, Plaintiffs was arrested by Amtrak Police as he was making arrangement to travel to his home state of California.
- I. Plaintiff was told that there was a warrant and charge from California that turned out to be untrue, and he was charged as a child molester by the Cook County persecutor which of course is untrue. Plaintiff is not a child molester and the charge was meant to punish, retaliate and end his life.
  - J. Plaintiff was tortured as in Title 18 U.S.C 2340A Cook County Jail and Elgin Mental Health Center to plea guilty to the charge which he would refused. The criminal charge was dropped on December 20<sup>th</sup> 2007 after Plaintiff had spent a little over twenty-six months in custody, and after failed attempts by the Elgin Mental Health Center to keep him civilly.
  - K. During his illegal custody in Cook County jail, the civil case pending in the Seventh Circuit Court of Appeal was closed because he physically was unable to continue the process in the Seventh Circuit Court of Appeal schedules.
  - L. During his custody at Elgin Mental Health Center, he filed two cases with the Northern District of Illinois 07c1974 Romeo Ezike v Elgin Mental Health Center He beaus Corpus for relief, and 07c1972 Romeo Ezike v Amtrak for relief to recover his damages to his business and property. In both cases the appearance of the enterprises took over the cases. Plaintiff case from the hebaus relief was terminated even though the defendant was in violation of court's order to response. The Civil case against Amtrak seeking relief under RICO was dismissed for failure to provide an address. Plaintiff have provided the Court through the Clerk office a United States Postal address that the clerk have used before the dismissal of the case and after the dismissal of the case.
  - M. Plaintiffs continue to be harassed as the enterprises interrupt his use of the public library in San Francisco, and other public facility. Plaintiff is seeking relief in this court.

42. Plaintiff is filing separate pleading under California Civil Code section 3333 for compensatory and punitive damages, California Civil Code section 3294 damages for imprisonment under California Penal Code section 836.

On November 28<sup>th</sup> 2005, Plaintiff was detained by Amtrak Police Officers Pietra and her partner. Later Plaintiff was seized and arrested at the Amtrak Police Station at Union Station in Chicago, Illinois after he was invited to file a complaint for unlawful detention by defendant Brian Nolan of Amtrak Police. The defendant had no warrant or order of committed or any legal authority of any kind, when Plaintiff had not committed any crime or public offense in his presence. Defendant accused plaintiff of failure to register as a sex offender in Chicago, but the offense did not occurred, nor does the defendant had probable cause to believe that it occurred or that plaintiff had committed it, nor does Amtrak keep record of registration. The law enforcement agency responsible to investigate registration issue is the Chicago Police in Chicago, Illinois. Plaintiff is seeking damages that he incurred as a result of his case in the Seventh Circuit Court of Appeal closing as the result of his illegal imprisonment. The Officer made several misleading statements about his authority to arrest plaintiff. He said that he was order by the Attorneys General of both California, and Illinois and that he was using his federal police power. (A conflict under the Tenth amendment.) The Constitution specially

authorizes federal enforcement of three types of laws all uniquely federal concern (a) To provide for the punishment of counterfeiting the Securities and current coin of the United States; (b) To define and punish piracies and felonies committed on the high sea, and offenses against the Laws of Nations; (c) That Congress shall have power to declare punishment of treason. The prosecution decision to charge, the grand jury decision to indict, a prosecution decision not to drop charges but to proceed to trial, none of these decision shield a law enforcement officer who deliberately provide misleading information that influences a decision.

**43. Conclusion:**

- A. Plaintiff is a pro-se and not a lawyer or legal scholar, and do not pretend to be one. The United States is not only a market, it is a nation that has a document that is an ongoing experiment that documents we all have to abide by, it is a document with precedent and the primary authority which this case is based. The document is the United States of America Constitution.
- B. Plaintiff has been a victim of an organized campaign of harassment supported by the resources of one of the riches man in the world. That power and money plaintiff cannot match, but his tenacity and resolve to petition the government to address grievances is not going to be sabotage by money and power.
- C. Plaintiff continues to be targeted for harassment although with less intensity than it was before his arrest and incarceration. There are several things that can only be address later in discovery. The fact is that plaintiff has suffered damages and injury to business/property and is seeking recovery. Plaintiff is also seeking relief under California Ralph Civil Rights Act Civ. Code sec. 51.7 Prayer for relief.

Dated: *April 7<sup>th</sup> 2008*

Romeo Ezike  
P.O BOX 425126  
San Francisco, Ca 94142

Respectfully  
Romeo Ezike

*Romeo Ezike*

List

Exhibits

- 1) Exhibits 38-82 [hearing on April 12<sup>th</sup> 2006]
- 2) Exhibits 1 & 2 Plaintiff's Complaint at the Amtrak Police Station November 28<sup>th</sup> 2005
- 3) Exhibit 15 - Judge Kenneth Wadas Order. August 28<sup>th</sup> 2006
- 4) Exhibit 24 & 25 Elgin Mental Health Center Evaluation.
- 5) Exhibit 26 - Suspension of Plaintiff's Rights to Refuse Drugs. He was shot with psycho-tropic drugs.
- 6) Exhibit 32 Plaintiff's Appeal to the first Appellate court of Illinois. granted



- 7) Exhibits 96, 97, 89, 90, 91, 92  
93, 84, 85, 86, 87, 121, 83  
Elgin Mental Health Center AND  
Cook County Criminal Court release  
forms. CASE Dismissed
- (8) Exhibit 3, 4, 5 Chicago Criminal  
Check on November 28<sup>th</sup> 2005. It  
showed that plaintiff was not a fugitive  
or warrant out for his arrest.  
Letter from the Attorney General  
from Illinois.
- 19) Exhibits 6, 7 Attempts by the  
Elgin Mental Health Center to  
keep him civilly. Letter to the  
Head of Elgin Mental Health  
Center from plaintiff demanding  
his release.

AMTRAK POLICE DEPARTMENT COMPLAINANT/WITNESS STATEMENT		1. INCIDENT NO.	
2. NATURE OF INVESTIGATION <i>COMPLAINT AGAINST POLICE</i>		3. FICUCR NO.	
4. STATEMENT OF: (Last, First, Middle Name) <i>EZIKE, Romeo GABRIEL</i>		5. DOB <i>10/28/59</i>	6. SEX <i>MALE</i>
7. HOME ADDRESS <i>PO BOX 803513, CHGO. IL. 60680</i>		8. HOME PHONE E-MAIL <i>R.EZIKE@M400.COM</i>	
9. EMPLOYMENT (Occupation and Location) <i>UNEMPLOYED BECAUSE PHYSICAL/MENTAL HARASSMENT</i>		10. BUSINESS PHONE <i>N/A</i>	
11. LOCATION STATEMENT TAKEN <i>210 S. CANAL, CHGO IL. - APD OFFICE</i>		12. SOCIAL SECURITY NO. <i>057-68-1170</i>	
13. NAME OF OFFICER TAKING STATEMENT (If other than block 12, include signature) <i>SGT. BLANDIN</i>		14. DATE/TIME STARTED <i>4/28/05 0915</i>	
15. STATEMENT: <i>I believe that I am been</i> <i>harassed by the AMTRAK Police.</i> <i>because of my case in the</i> <i>Seventh Circuit Appeal Court. I</i> <i>have made a complaint previously</i> <i>against other officers at this</i> <i>Union Station in Chicago. This</i> <i>particular incidence occurred</i> <i>this morning when I observed two</i> <i>officers one female and a male</i> <i>monitoring my movement in the</i> <i>Union Station. I approached them</i> <i>and informed them that I observed</i> <i>that they were monitoring me</i> <i>because of my lawsuit in the</i> <i>appeal court. One of the</i> <i>officers Badge # APD 241 R. PIEDRA</i>			
16. I HAVE READ THIS STATEMENT GIVEN BY ME OR I HAVE HAD IT READ TO ME. I FULLY UNDERSTAND IT AND CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION. I UNDERSTAND THAT MAKING A FALSE STATEMENT IS PUNISHABLE BY CRIMINAL PENALTIES.			
Signature of Person Giving Statement		17. DATE/TIME ENDED	
19. OFFICER OBTAINING SIGNATURE IN BLOCK 16 (Name and Signature)		18. Page of Pages	
20. PERSON WITNESSING SIGNATURE IN BLOCK 16			

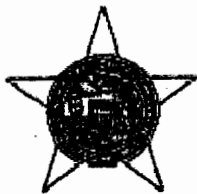
Exhibit 1

**AMTRAK POLICE DEPARTMENT  
COMPLAINT/WITNESS STATEMENT****15. STATEMENT CONTINUATION:**

than ordered me to give her my identification. I complied but was detained for no appearance reason. I asked to see the Sergeant to lodge a complaint against their actions. The male officer asked to have the Sergeant come on the scene of which she did. Herein I explained my situation to Sergeant Blahidin and later went to the office and filed this complaint of harassment against these officers. This is not the first time and on other occasions I have experience harassment by other officers of this

Exhibit 2





**CHICAGO POLICE DEPARTMENT**  
3510 South Michigan Avenue/Chicago, Illinois  
60653  
Identification Section



**CRIMINAL HISTORY REPORT**

CPD-31903C (REV. 7/04)

**IIU COMPLETE**

**EZIKE, ROMEO**

IR # **1754827**

SID #

FBI #

IDOC #

Current Arrest Information:

Date of Birth: **29-OCT-1959**

Age: **46 years**

Place of Birth: **ILLINOIS**

SSN #: **057-68-1170**

Drivers License #:

Drivers Lic. State:

Scars, Marks & Tattoos:

Key Historical Identifiers:

<u>Alias or AKA used</u>	<u>Date Used</u>	<u>Dates of Birth Used</u>	<u>Social Security Numbers Used</u>
EZIKE, ROMEO	28-NOV-2005	29-OCT-1959	057-68-1170

Criminal Justice Summary: Total arrests: 1 (1 Felony, 0 Misdemeanor)

Total convictions: 0

**ARREST**

Arrest Name: **EZIKE, ROMEO**

Date of Birth: **29-OCT-1959**

DCN or CB: **016378603**

Officer: **NOLAN**

Arrest Date: **28-NOV-2005** Holding Facility: **CPD - CENTRAL MALE**

Arrest Address: **210 S CANAL ST CHICAGO, IL 60606**

Residence: **646 S STATE ST CHICAGO, IL 60605**

Officer Badge#: **389** Arresting Agency: **AMTRAK PD**

<u>Count</u>	<u>Class</u>	<u>Type</u>	<u>Statute</u>	<u>Arrest Charge Description</u>	<u>Inchoate</u>
[1]	4	F	730 ILCS 150.0/3-A	Viol Sex Offender Registration	

**\*\*\*End of Report\*\*\***

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

28-NOV-2005 18:33

Requested by: PC01530

*Exhibit 3*

## LEADS AUTOMATED CRIMINAL HISTORY

LE V

EZIKE, ROMEO

M

RACE

B

DOB:

10, 29, 59

S

PLACE OF BIRTH

1754827

SID

384309 NYS

SOCIAL SECURITY

R STATE NUMBERS:

LEADS HAS NOT PROVIDED A CRIMINAL HISTORY DUE TO THE FOLLOWING:

NO HIT ON SID SHEET

NO HIT ON FBI SHEET

FINGERPRINTS SENT TO SID

FINGERPRINTS SENT TO FBI

SID SHEET INCOMPLETE

FBI SHEET MANUAL

SID SHEET ORDERED

FBI SHEET ORDERED

SID COMPUTER DOWN

FBI COMPUTER DOWN

ILLINOIS ARRESTS ONLY!!!!  
NO FBI SHEET WILL PRINT

COMPARISON: VS

NEGATIVE

SAME/TO BE COMBINED

PREVIOUSLY COMBINED

PERSONNEL THAT COMPARED FINGERPRINTS &amp; DATE:

SOLE INFORMATION:

INMATE NUMBER

ON PAROLE

WARRANT LODGED

DISCHARGED

HOLD LODGED

MENTS:

Exhibit 4



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

January 31, 2007

Romeo Ezike  
Elgin Mental Health Center  
750 S. State Street, #G  
Elgin, IL 60123

Re: Your Complaint to the Illinois Attorney General's Office

Dear Mr. Ezike:

The Civil Rights Bureau of the Illinois Attorney General's office is in receipt of your complaint in which you allege misconduct by the Teamsters Union and Lakshmi Mittal.

Our bureau primarily investigates civil rights complaints that demonstrate a pattern and practice of discrimination toward a protected class such as race, color, religion, sex, national origin, ancestry, age, marital status, military status, sexual orientation, unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit and the availability of public accommodations. Unfortunately, we will not be able to assist you because we lack jurisdiction over this matter. This letter should not be considered a determination of the merits of your allegations or the result of any findings of fact or law.

If you believe that we can assist you with any other civil rights related matters, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maya M. Kinatukara".

Maya M. Kinatukara  
Assistant Attorney General  
Civil Rights Bureau  
(312) 814-8109  
[mkinatukara@atg.state.il.us](mailto:mkinatukara@atg.state.il.us)

EXL: bit 5



State of Illinois  
Circuit Court for the 16th Judicial Circuit  
KANE County,

Order for Treatment or Discharge

In the matter of **ROMEO ERIKE**

07 MH 193

Has after coming to be heard on the petition of **MS. JILL SHOPNITZ** and the  
Court being duly advised that

Justice of the Peace that

1. The Petitioner is ~~discharged~~ *continued*

2. The Petitioner is *not* a person subject to involuntary admission

3. The Petitioner is *not* a person subject to involuntary commitment

4. The Petitioner is *not* a person subject to involuntary hospitalization

5. The Petitioner is *not* a person subject to involuntary detention

6. The Petitioner is *not* a person subject to involuntary commitment to a hospital or institution which is the least restrictive alternative

7. The Petitioner is *not* a person subject to involuntary commitment to a hospital or institution which is the least restrictive alternative

8. The Petitioner is *not* a person subject to involuntary commitment to a hospital or institution which is the least restrictive alternative

9. The Petitioner is *not* a person subject to involuntary commitment to a hospital or institution which is the least restrictive alternative

Notice to Persons Receiving This Order

1. This order is subject to review by the Court at any time.

2. If you are not the respondent, you may be allowed to appeal this order. If you are the respondent, you may be allowed to appeal this order. If you are the respondent, you may be allowed to appeal this order.

3. If you are the respondent, you may be allowed to appeal this order.

4. If you are the respondent, you may be allowed to appeal this order.

5. If you are the respondent, you may be allowed to appeal this order.

MENTAL HEALTH CENTER.

ROMEO Ezike :

December 26<sup>th</sup> 2007

ObjECTION to petition

I Romeo Ezike object to any petition filed to force me to submit mental evaluation at Elgin Mental Health Center. Elgin Mental Health Center is a party to a civil lawsuit filed by me pending in Federal court.

I was arrested by Amtrak Police, charged with a false charge, imprisoned, harassed and tortured. All part of an elaborate scheme to retaliate for a civil lawsuit pending in the seventh circuit court of appeal against the Teamsters Union and Corporation of Mr. Lakshmi Mittal. The charge has been dropped and I demand my immediate release from unlawful custody.

Respectfully  
Romeo Ezike

PEOPLE OF THE STATE OF ILLINOIS  
v.  
EZIKE, ROMEO  
No. 05CR2924201  
SID  
IR 1754827

ADDENDUM TO PREVIOUS ORDER SETTING BAIL AND COMMITTING THE DEFENDANT TO THE COOK COUNTY DEPARTMENT OF CORRECTIONS FOR FAILURE TO DEPOSIT BAIL.

ORDER

THIS MATTER COMING BEFORE THE COURT AND THE COURT BEING FULLY ADVISED IN THE PREMISES, IT IS HEREBY ORDERED:

Unfit for trial  
deft. remanded to  
dept. of human service (mental)  
Holtz  
9-28-06

ENTERED  
JUDGE KENNETH WADAS-1700  
AUG 28 2006  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
DEPUTY CLERK COUNTY, IL

ENTERED  
JUDGE KENNETH WADAS-1700  
AUG 28 2006  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
DEPUTY CLERK COUNTY, IL

DISPOSITION(S) MUST REFLECT WHICH COUNT(S) THE ORDER(S) IS/ARE OF COOK COUNTY, IL  
ENTERED:  
DATED: AUGUST 28 2006  
DEPUTY CLERK B. Cal  
at 9:30 AM a.m. / p.m.  
JUDGE KENNETH J. WADAS  
ROOM/BRANCH 302  
JUDGE S. 1700

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

Exhibit 15



## Interdisciplinary Staffing Forensic Treatment Program

Current Diagnoses: (All applicable axes)

1. Delusional Disorder,  
secutory Type

Persons to be treated or deferred were identified by team consensus and are recorded on the  
Treatment List (DOC-1180).

Person's Progress Since Last Staffing and Extent to Which (s)he is Benefitting from Treatment:

Ezike was admitted to EMHC on 10/05/06. He  
temporarily housed on the Hartman unit due to  
of beds on our unit. He was transferred to F&G  
5/06/06.

Person is currently subject to involuntary admission, explain why:

Person was remanded to the Department of Human  
Services, by court order, as unfit to stand  
trial.

Criteria for Discharge: 1) Psychiatric Stabilization,  
Restoration of fitness.

Anticipated Date of Achieving Clinical Criteria for Discharge: 02/2007

Post-Treatment and Aftercare Plan (if any): Designated agency still  
is to be determined. He is originally from  
Enoria, was essentially homeless in Chicago

IN MENTAL HEALTH CENTER  
Interdisciplinary Staffing  
Forensic Treatment Program  
Page 1 of 2

Patient Name: <u>ROMEO EZIKE</u>	
Date of Birth: <u>10/29/59</u>	Sex: <u>M</u>
DHS-OMH ID#: <u>871531</u>	Admit Date:
Facility: <u>Elgin Mental Health Center</u>	
Unit/Subunit: <u>FH 400</u>	Date Completed:

70-FTP

of 2

Patient Name:

Ezike, Romeo

ID#:

871531

Date:

10/10/06

## Patient Participation in Treatment Planning (Check and comment as appropriate)

Inable [ ]	Refused [ ]	Present [X]	Contributed [X]	Aware of Plan [X]
------------	-------------	-------------	-----------------	-------------------

Patient comments/contributions to the treatment planning process: Mr. Ezike states

"I have a situation going on with the teamster unit." "I refused to plea bargain to a false charge." "I have no mental problem."

## Describe Involvement of Family, Significant Other and/or Guardian since last staffing:

Mr. Ezike does not want his family contacted

## For Unfit to Stand Trial (UST) patients only. A brief assessment of fitness to stand trial.

Mr. Ezike was adjudicated unfit to stand trial by the Circuit Court of Cook County and sent to this hospital for fitness restoration

## Participants in the Treatment Plan Staffing

## Title or Relationship to the Patient

Julie Whapley, LCSW

Psych. SWH

Margie Russell  
R. Narasimhan

SWH

Psych

Lynne J. Brown

Psychiatrist

SWH

Chad B. B.

Psych Extern

I best learn by: ☐ Visual Aides ☐ Demonstration/Example ☐ Group  
☒ Written Instruction ☐ Other

I was offered a copy of the treatment plan. Yes ☒ No ☐

Patient: Romeo Ezike

Signature

Date

Recorder:

Signature

Date

Signature

Date

Treating Psychiatrist:

Signature

Date

Exhibit 25

~~EXHIBIT 26~~

Reference: 405 ILCS 5/2-102, 2-103, 2-104, 2-107, 2-108, 2-109, 2-200 and 2-201

## NOTICE REGARDING RESTRICTED RIGHTS OF INDIVIDUAL

Name: E21KZ ROMEO ID#: 871531 Facility: FMHA. On 11/20/06 at 1510 ☐ AM ☐ PM he or she was:  
(Date) (Time)☒ Placed in restraints ☐ Placed in seclusion ☐ Received emergency forced medication

B. Had a restriction placed on certain rights (which are checked and explained below) for duration of

HOURS: \_\_\_\_\_ DAYS: \_\_\_\_\_ FROM: \_\_\_\_\_ TO: \_\_\_\_\_  
Date/Time Date/Time

- ☐ To refuse medication ☐ To manage his or her own personal hygiene ☐ To refuse dental services  
☐ To refuse medical service - x-ray ☐ To refuse medical service - laboratory specimens ☐ To retain personal property  
☐ To be allowed communication\* via: ☐ To refuse other medical treatment services ☐ Search of person or living area  
☐ telephone ☐ mail ☐ visitation ☐ Other (Specify): \_\_\_\_\_

The reason(s) for restriction of rights is (are): Physically aggressive & sexuallyA or B (above) Date: 11/20/2006 ELIZABETH STANAN RA  
Signature Title

In accordance with the Mental Health and Developmental Disabilities Code, the individual designated his or her preference for emergency intervention if circumstances arise.

On 11/20/06, the individual required emergency intervention, as described in Part I Above.  
(Date)

- ☐ Individual indicated "No Preference" for emergency intervention(s) and ☐ Restraint ☐ Seclusion ☐ Emergency forced medication was used.  
☐ The intervention preferred by the individual: ☐ was used (See IL 462 - 0120M); ☐ was not used due to the following:

It was determined to be in the best interest of the individual.I certify that on 11/20/06, ELIZABETH STANAN RA  
(Date) (Name) (Title)

- ☒ Delivered in person and ☐ mailed a copy of this notice in ☐ English ☐ Spanish ☐ \_\_\_\_\_  
to each of the following entitled to receive notice, unless: Other (Specify above)  
☒ Individual wished no one to be notified. EXCEPTION: GUARDIAN OF PERSON\*\*;

CONTACT	NAME	ADDRESS
Guardian of Person		
Designated by Individual		
Representative of Guardianship and Advocacy Commission or Equip for Equality		

I certify that a copy of this Notice has been placed in the individual's record.

Staff Signature: Elizabeth Stanan RA

\* Also see the reverse side if mail, telephone, or visitation rights are being restricted.

\*\*Designated Guardian of Person must be notified regardless of individual's wishes.

**ORDER**

IN THE APPELLATE COURT, STATE OF ILLINOIS  
FIRST DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	
Plaintiff-Appellee,	)	No. 07-0732
	)	
v.	)	Circuit Court No. 05CR29242
	)	
ROMEO EZIKE,	)	Hon. Kenneth Wadas,
Defendant-Appellant.	)	Judge Presiding
	)	

**ORDER**

ON MOTION OF APPELLANT PRO SE, FOR LEAVE TO FILE A MOTION FOR LATE NOTICE OF APPEAL AND APPOINTMENT OF COUNSEL (Appeal from Order of 9/28/06);

IT IS **HEREBY ORDERED** THAT THE MOTION FOR LEAVE TO FILE LATE NOTICE OF APPEAL IS

X **GRANTED**, and the Office of the Cook County  
Public Defender is appointed as counsel.  
THE CLERK OF THE APPELLATE COURT IS DIRECTED TO TRANSMIT THE NOTICE OF APPEAL TO THE CLERK OF THE CIRCUIT COURT.

       **DENIED.**

Name Romeo Ezike  
20050093262  
Address  
Elgin Mental Health Center  
750 S. State Unit G  
Elgin, IL 60123

[Signature]  
Justice  
[Signature]  
Justice  
[Signature]  
Justice

**ORDER ENTERED**  
APR 04 2007  
APPELLATE COURT, FIRST DISTRICT

STEVEN M. RAVID, CLERK OF THE APPELLATE COURT, FIRST DISTRICT

Exhibit 32



Exhibit 83

Glust

SHEET No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LINE No.

CRIMINAL DIVISION / MUNICIPAL DEPARTMENT-DISTRICT

PEOPLE OF THE STATE OF ILLINOIS

No. 05W2924201

vs.

SID

IR

ADDENDUM TO PREVIOUS ORDER SETTING BAIL AND COMMITTING THE DEFENDANT TO THE COOK COUNTY DEPARTMENT OF CORRECTIONS FOR FAILURE TO DEPOSIT BAIL.

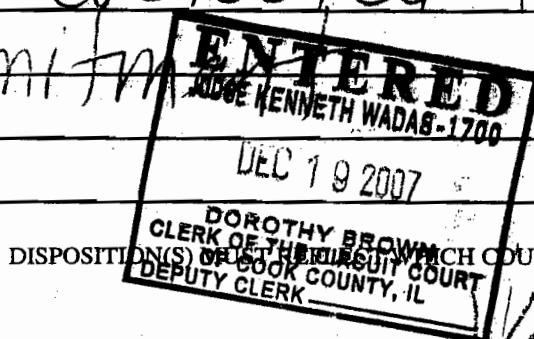
**ORDER**

THIS MATTER COMING BEFORE THE COURT AND THE COURT BEING FULLY ADVISED IN THE PREMISES, IT IS HEREBY ORDERED:

Discharged  
Off call

to be transported back to ELGIN  
to be evaluated for civil  
commitment

DHS



DISPOSITION(S) OF COOK COUNTY, IL THE ORDER(S) IS/ ARE APPLICABLE.

ENTERED

JUDGE

DEPUTY CLERK

ROOM/BRANCH

PAGE OF PAGES

AT AM / PM

**DOROTHY BROWN****CLERK OF THE CIRCUIT COURT OF COOK COUNTY**

Exhibit 84

No. 07-0732

IN THE APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of Cook
Plaintiff-Appellee,	)	County, Criminal Division.
	)	
v.	)	Circuit No. 05 CR 29242
	)	
ROMEO EZIKE,	)	Honorable
	)	Kenneth Wadas,
Defendant-Appellant.	)	Judge presiding.

**MOTION TO FILE THE CERTIFICATE IN LIEU OF THE RECORD INSTANTER**

The defendant-appellant, Romeo Ezike, by and through his attorneys, Edwin A. Burnette, Public Defender of Cook County, and Lester Finkle, Assistant Public Defender, moves this Court for leave to file the certificate in lieu of the record on appeal instanter. Reasons in support of this motion are given in the attached affidavit of Lester Finkle.

Respectfully submitted,

EDWIN A. BURNETTE  
Public Defender of Cook County

By: Lester Finkle  
Lester Finkle  
Assistant Public Defender

Public Defender of Cook County  
Attorney for defendant-appellant  
69 West Washington Street - 15<sup>th</sup> Floor  
Chicago, IL 60602  
312.603.0600

Exhibit 85

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF COOK )

**AFFIDAVIT**

Lester Finkle, being first duly sworn on oath, deposes and says as follows:

1. I am an attorney in the State of Illinois, and currently employed as an Assistant Cook County Public Defender, Attorney Supervisor, assigned to the Legal Resources Division.

2. The defendant, Romeo Ezike, was charged with a violation of the Sex Offender Registration Act. An issue was raised as to his fitness to stand trial, and a trial as to fitness was held on August 28, 2006. Mr. Ezike was found to be unfit by Judge Wadas, and he was committed to the care of the Department of Human Services, Division of Mental Health. Mr. Ezike filed a late notice of appeal, which this Court allowed on April 4, 2007.

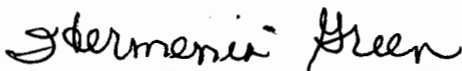
3. The Public Defender was appointed as appellate counsel on April 20, 2007. The common law record was received on May 3, 2007. The transcript of the proceedings was received on November 14, 2007. The record on appeal was due to be filed on or before June 13, 2007.

4. The record is complete with respect to the issue on appeal. It consists of one volume of common law record and one volume of report of proceedings. The delay in filing this record was not due to any negligence on the part of Mr. Ezike. I apologize for the delay and ask leave to file the certificate in lieu of the record instantler.

FURTHER AFFIANT SAYETH NOT.

  
Lester Finkle

Subscribed and sworn to before  
me this 16<sup>th</sup> day of November, A.D., 2007.



Notary Public

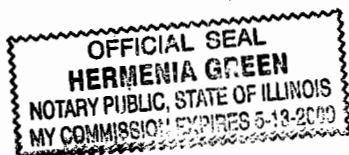


Exhibit 86

(Rev. 2/9/00) CCCR 0006

STATE OF ILLINOIS }  
COUNTY OF COOK } ss:

#07-0732

1 volume CLR  
1 volume rep. of ppc.  
2 volume total

## APPEAL CERTIFICATE

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, County Department - Criminal Division, in said County and State and Keeper of the Records and Seal thereof, do hereby certify that on April 4, 2007 a Notice of Appeal was filed in said Court and thereafter in accordance with the provisions as set forth by Supreme Court Rule 608, the Record on Appeal wherein

PEOPLE OF THE STATE OF ILLINOIS, versus ROMEO EZIKEDocument Number 05 CR 29242 was prepared by my office.I do further certify, that on April 24, 2007 the aforementioned Record wasfiled, numbered, and picked up by THE LAW OFFICE OF THE PUBLIC DEFENDER69 WEST SAHSINGTON STREET, 16TH FLOOR Chicago, Illinois,appearing in the APPELLATE Court of the State of Illinois.

I do further certify, that this Appeal Certificate pursuant to Supreme Court Rule 325, issued out of my office

on the 24 th day of April, 2007.

A handwritten signature in cursive script that reads "Dorothy Brown".

DOROTHY BROWN

Clerk of the Circuit Court of Cook County, Illinois  
County Department - Criminal Division

Received from DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, County Department - Criminal Division the above mentioned Record for transmittal to the APPELLATE COURT

3rd day of May, 2007.

A handwritten signature in cursive script that reads "Bobbie Fenton".



Exhibit 87

No. 07-0732

IN THE APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of Cook
Plaintiff-Appellee,	)	County, Criminal Division.
	)	
v.	)	Circuit No. 05 CR 29242
	)	
ROMEO EZIKE,	)	Honorable
	)	Kenneth Wadas,
Defendant-Appellant.	)	Judge presiding.

## NOTICE OF MOTION

TO: Richard Devine, Cook County State's Attorney, 309 Daley Center, Chicago, IL 60602  
Romeo Ezike, Elgin Mental Health Center, 750 South State St., Unit G, Elgin, IL 60123

PLEASE TAKE NOTICE that on November 16, 2007, I shall cause to be filed in the Office of the Clerk of the Appellate Court of Illinois, First District, the attached motion and affidavit.

EDWIN A. BURNETTE  
Public Defender of Cook County  
By: Lester Finkle  
Lester Finkle  
Assistant Public Defender

STATE OF ILLINOIS )  
 ) ss.

COUNTY OF COOK )

Lamont James, being duly sworn on oath, says that he served the above and foregoing notice and motion and affidavit by delivering same to the Cook County State's Attorney, and by mailing same to defendant and all other parties on November 16, 2007.

Subscribed and sworn to before  
me this 16<sup>th</sup> day of November, A.D., 2007.

Germine Green  
Notary Public

Received by:  
Date:

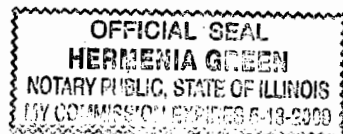


EXHIBIT 89

PETITION FOR INVOLUNTARY/JUDICIAL ADMISSION

STATE OF ILLINOIS  
CIRCUIT COURT FOR THE 16<sup>th</sup> JUDICIAL CIRCUIT  
Kane COUNTY

IN THE MATTER OF

Docket No. \_\_\_\_\_

Romeo Ezike  
(name of individual)

Who is asserted to be a person subject to involuntary admission to a facility and for whom  
(judicial/involuntary)  
this petition is initiated by reason of: (Check all that apply)

- ☐ emergency admission by certificate; (405 ILCS 5/3-600)
- ☒ admission by court order; (405 ILCS 5/3-700)
- ☐ voluntary admittee submitted written notice of desire to be discharged; (405 ILCS 5/3-403)
- ☐ voluntary admittee failed to reaffirm a desire to continue treatment; (405 ILCS 5/3-404)
- ☐ person continues to be subject to involuntary admission; (405 ILCS 5/3-813)
- ☐ emergency admission of the mentally retarded; (405 ILCS 5/4-400)
- ☐ judicial admission of the mentally retarded; (405 ILCS 5/4-500)
- ☐ developmentally disabled client or an interested person on behalf of the client submitted written objection to admission; (405 ILCS 5/4-306)
- ☐ administrative client; (or person who executed application) failed to authorize continued residence (405 ILCS 5/4-310); and
- ☐ client continues to meet standard for judicial admission. (405 ILCS 5/4-611)

Exhibit

I assert that Romeo Fike is: (check all that apply)  
(name)

- ☒ an individual who is mentally ill and who because of his or her illness is reasonably expected to inflict serious physical harm upon himself or herself or another in the near future which may include threatening behavior or conduct that places another individual in reasonable expectation of being harmed;
- ☒ an individual who is mentally ill and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or outside help;
- ☐ an individual who is mentally retarded and is reasonably expected to inflict serious physical harm upon himself or herself or others in the near future; and/or
- ☒ in need of immediate hospitalization for the prevention of such harm.

I base the foregoing assertion on the following (provide a detailed statement including a description of the signs and symptoms of a mental illness and of any, acts, threats, or other behavior or pattern of behavior supporting the assertion and the time and place of their occurrence. Additional page(s) may be attached as necessary):

Please see attached sheet

Below is a list of all witnesses by whom the facts asserted may be provided (include addresses and phone numbers):

Romulo Nazareno, MD Elgin MHC, (847) 74  
Julie Shopowitz, SWH Elgin MHC, (847) 74

- I ☐ do ☒ do not have a legal interest in this matter.
- I ☐ do ☒ do not have a financial interest in this matter.
- I ☐ am ☒ am not involved in litigation with the respondent.

- ☐ Although I have indicated that I have a legal or financial interest in this matter or that I am involved in litigation with the respondent, I believe it would not be practicable or possible for someone else to be the petitioner for the following reasons:

EXHIBIT 91

**PETITION FOR ROMEO EZIKE**

Romeo Ezike was admitted to Elgin Mental Health Center on 10/05/2006 as Unfit to Stand Trial on charges of Failure to Report Change of Address as a Sex Offender. He has been diagnosed with a mental illness, Delusional Disorder, Persecutory Type. He has refused to take recommended medication to treat the symptoms of his psychiatric disorder. He denies he suffers from any psychiatric illness. He will not participate in treatment. He states he has been held at this facility "illegally" and his criminal charges are the result of a civil lawsuit he filed against the Teamsters Union.

Mr Ezike has made numerous statements claiming people were plotting against him. Mr. Ezike stated people were "trying to get me set up in an accidental death." He stated staff were receiving "instructions from mob figures" and acting "provocative" towards him. He claimed his hospitalization was a "hostage, kidnap situation." He has stated his food has been poisoned. He will only accept a food tray if he can randomly select it from the cart. He will not accept a tray if a staff member has touched the tray. He has stated he is being "harassed" by his peers and that the peers have been instructed by staff to do this.

Mr. Ezike has refused to cooperate with any type of discharge planning. Staff has offered to apply for funding for him, link him to a mental health center, and refer him to a residential facility. He has refused all attempts to develop a discharge plan. He has no known financial means and will not disclose where he plans to live. He has refused to allow any family member or significant others to be contacted.

11/19/06:

Mr. Ezike was involved in a verbal altercation with a peer. He was later observed walking past the peer in the hall and brushing up against the peer with his shoulder. For the protection of both patients, Mr. Ezike was transferred to another unit on 11/20/06. He became upset. He was offered voluntary medication, which he refused. Security was called for assistance. He became combative with security when an attempt was made to administer the medication. He was placed in restraints for protection of self and others.

03/08/07:

He approached staff about going to the Criminal Court of Cook County the next day. There was no court hearing scheduled and he was informed that he was not going to court. He became upset, started talking rapidly, and raised his voice. Staff had to end the conversation and leave the area.

03/29/07:

Mr. Ezike became agitated during breakfast. A peer threw a napkin and it landed on his tray. Mr. Ezike called the peer "you nigger" several times and threatened to hurt the peer if it happened again.

06/22/07:

Mr. Ezike became loud and verbally abusive to staff when asked to leave the laundry room. He



EXHIBIT 92

accused staff of letting patient interfere with his laundry.

08/02/07:

Mr. Ezike was talking with another peer about safety issues. He made a comment to a staff in an angry tone, "I have something on you." Staff walked away and Mr. Ezike appeared to become more angry.

08/23/07:

A Tornado Warning was issued. Staff and patients were advised to stand in the inner hallway for safety. Mr. Ezike refused, sitting closer to a large glass window. It was very windy and raining very hard. Several staff members approached him explaining the danger. He has to be prompted several times to move to a safe area, putting himself and the staff in physical jeopardy.

11/07/07:

Some of Mr. Ezike's mail was returned due to the high cost of the envelope he sent out. Staff tried to explain why the envelope had been returned. He became upset, raising his voice. He demanded he be provided with the written policy for this. Staff tried to explain the procedures. His behavior continued to escalate and staff had to end the conversation because of feeling threatened by Mr. Ezike.

11/08/07:

He stated staff were all part of organized crime and were conspiring against him.

11/11/07:

Mr. Ezike exited the shower room leaving wet towels on the floor and complained about the supply of lotion provided. He called staff "niggers" and accused staff of violating his rights.

11/18/07:

Mr. Ezike dropped the contents of his lunch tray on the floor, not in the garbage can. He refused to pick it up telling staff it was their job to pick it up ("it's your job, that's what they pay you for.")

12/12/07:

Mr. Ezike stated a peer entered his room last night. He stated that if patients enter his room at night, then he will need to assume that they are going to attack him. Staff explained that this could have been an accident and the patients on the unit suffer from varying degrees of mental illness. He stated he does not believe these patients are mentally ill or need medication. He also stated staff could bring in weapons for other patients to use against him.

## EXHIBIT 93

[ ] No certificate was attached with this petition because no petition was presented to the facility director because no physician, qualified examiner, or clinical psychologist was immediately available or it was impossible after diligent effort to obtain a certificate. However:

1. I believe, as a result of my personal observation, that the respondent is subject to involuntary admission;
2. a diligent effort was made to obtain a certificate;
3. no physician, qualified examiner or clinical psychologist could be found who has examined or could examine the respondent; and
4. a diligent effort has been made to convince the respondent to appear voluntarily for examination by a physician, qualified examiner or clinical psychologist, or I reasonably believe that effort would impose a risk of harm to the respondent or others.

Listed below are the names and addresses of the spouse, parent, guardian, or substitute decision maker, if any, and close relative or, if none, a friend of the respondent whom I have reason to believe may know or have any of the other names and addresses. If names and addresses are not listed below, I made a diligent inquiry to identify and locate these individuals and the following describes the specific steps taken by me in making this inquiry (additional page(s) may be attached as necessary):

Mr. Ezike refused to provide information to contact family members. There are no prior medical records with information on family members

Did a peace officer detain respondent, take him or her into custody, and/or transport him or her to the mental health facility?

☒ NO [ ] YES The peace officer may complete the petition or If the petition IS NOT COMPLETED by the peace officer transporting the person, the following information must be entered:

Transporting Officer's Name \_\_\_\_\_ Badge No. \_\_\_\_\_  
Employer: \_\_\_\_\_

The petitioner has made a good faith attempt to determine whether the recipient has executed a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act and to obtain copies of these instruments if they exist."

I have read and understood this petition and affirm that the statements made by me are true to the best of my knowledge.

I further understand that knowingly making a false statement on this Petition is a Class A Misdemeanor.

Date: 12/21/07

Signed: Julie Shopnitz, SCOTT

Time: 0825

Printed Name: JULIE SHOPNITZ

Relationship to respondent:

Address: EMHC 730 S. State St.  
Elgin, IL 60123

Phone Number: (847) 742-1040, ext 3850

Within 12 hours of admission to the facility under this status I gave the respondent a copy of this Petition (MHDD-5). I have explained the Rights of Admittee to the respondent and have provided him or her with a copy of it. I have also provided him or her with a copy of Rights of Individuals Receiving Mental Health and Developmental Services (MHDD-1) and explained those rights to him or her (405 ILCS 5/3-609).

Date: 12/21/07

Signed: Julie Shopnitz, SCOTT

Time: 0825

Printed Name: JULIE SHOPNITZ

(MHDD-5)  
IL462-2005 (R-3-04)

Title: SOCIAL WORKER #

Exhibit 96

(name)

Signature

(name of location)



# CERTIFICATE

EXhibit 97

Re: Romeo Ezike  
(name)

I personally informed the above named individual of the purpose of this examination and that he or she did not have to speak to me, and that any statements made might be related in court as to the individual's clinical condition or need for services. Additionally, if this examination was for the purpose of determining that the above-named individual is mentally retarded and dangerous, I informed the individual of his or her right to speak with a relative, friend or attorney before the examination, and of his or her right to have an attorney appointed for him or her if he or she so desired.

H. Singh MD  
Signature

On 12/21/07, at 09<sup>00</sup> a.m. or p.m., I personally examined the  
(Date) (Year) (Time) (circle)  
(circle)

above named person. The examination was conducted at Elgin MHC, F.T.P. C.  
(name of location)

Based on the foregoing examination it is my opinion that he or she is a person who is:

☒ mentally ill and because of his or her illness is reasonably expected to inflict serious physical harm on him or herself or another in the near future;

☒ mentally ill and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard him or herself from serious harm; or

☐ mentally retarded and is reasonably expected to inflict serious physical harm on him or herself or others in the near future.

I base my opinion on the following (include clinical observation and factual information):

Mr. Ezike is a 49 yo divorced African American who was admitted to MHC on 10/5/06 for the charge of Failure to Register a sex offender. Recently on 12/21/07, the charges were dropped against him. He is currently delusionally preoccupied re: many things in very much to read and very suspicious of others. He is likely to get into physical altercations with others. Had physical harm to others.

I believe that the person is subject to (check one):

☒ involuntary admission and is in need of immediate hospitalization; or

☐ judicial admission and is in need of immediate hospitalization.

Date: 12/21/07 Signature: H. Singh MD  
Telephone Number: 847-742-1040 x3337 Printed Name: HARGRAMUKH SINGH

(check one) ☒ Psychiatrist ☐ Physician ☐ Qualified Examiner ☐ Clinical Psychologist



ELGIN MENTAL HEALTH CENTER  
750 South State Street  
Elgin, Illinois 60123-7792

INTER - OFFICE  
CORRESPONDENCE

DATE: 01/07/08

FROM: Julie Shopnitz, SW II, FTP G module, Ext. 3850



TO: Nursing

SUBJECT: Patient discharge

Romeo Ezike is scheduled to be discharged tomorrow: Tuesday, 01/08/08 at 07:15. His criminal charges have been dropped and he has requested to be dropped off at Cook County Jail (26<sup>th</sup> and California.) This has been approved. Please see attached memo from Georgia McKinzie in Court Services.

Please send the one week's worth of medication with him, as well as the brown envelope with his discharge information. He should also take his belongings with him.

Thank you

Exhibit 121

1 STATE OF ILLINOIS )  
2 ) ss  
3 COUNTY OF C O O K )

4 IN THE CIRCUIT COURT OF COOK COUNTY  
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE )  
7 STATE OF ILLINOIS )  
8 ) Case No. 05-CR-29242  
9 vs. )  
10 )  
11 )  
12 ROMEO EZIKE )

13 REPORT OF PROCEEDINGS

14 BE IT REMEMBERED that on the 12th day of  
15 April, 2006, this cause came on for hearing before the  
16 Honorable KENNETH WADAS, Judge of said Court, upon the  
17 information herein, the defendant having entered a plea  
18 of not guilty.

19 APPEARANCES:

20 HON. RICHARD A. DEVINE,  
21 State's Attorney of Cook County, by  
22 MR. PATRICK MORLEY,  
23 Assistant State's Attorney,  
24 Appeared on behalf of the People;

MR. EDWIN A. BURNETTE,  
Public Defender of Cook County, by  
MR. RICHARD KRUSS,  
Assistant Public Defender,  
Appeared on behalf of the Defendant.

Gwendolyn Clark  
Official Court Reporter  
Circuit Court of Cook County  
County Department-Criminal Division.

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24INDEX

Pages: 1 through 45

Date: April 12, 2006

WITNESSES

<u>DX</u>	<u>CX</u>	<u>RDX</u>	<u>RCX</u>
4	10	14	
16	25	30	33

Defense Rests

33

State Rests

33

ARGUMENTS

Mr. Kruss

34

Mr. Morley

39

Mr. Kruss

42

Finding

42

1 THE CLERK: Romeo Ezike.

2 MR. BUNTINAS: This is set for motions.

3 MR. KRUSS: I believe we will be ready.

4 THE COURT: Pass the case.

5 (Whereupon the case was passed.)

6 THE CLERK: Romeo Ezike.

7 THE COURT: Have a seat with your lawyer.

8 We are proceeding on motion to quash arrest  
9 and suppress evidence. Motion to exclude witnesses i  
10 effect.

11 Either side wants to make an opening  
12 statement?

13 MR. KRUSS: We waive opening statement.

14 THE COURT: Call the first witness.

15 MR. KRUSS: Proceeding on motion to quash arrest  
16 and suppress evidence, the stop.

17 Call Officer Piedra.

18 (Witness was sworn.)

19 OFFICER ROSURA PEDRA,  
20 called as a witness on behalf of the Defense, having  
21 been first duly sworn, was examined and testified as  
22 follows:

23 DIRECT EXAMINATION

24 BY MR. KRUSS:



1 Q Good afternoon, officer. Please state your  
2 name and spell it for the record.

3 A Officer Rosura Pedra, R-O-S-U-R-A, P-E-D-R-A.

4 Q Who are you employed by?

5 A Amtrak Police Department.

6 Q How long have you been employed by Amtrak?

7 A Since August of last year.

8 Q Officer, were you on duty -- did you have  
9 occasion to be on duty November 28th last year about  
10 8:30 in the morning?

11 A Yes, I did.

12 Q Around that date and at that time were you  
13 working at Union Station?

14 A Yes, I was.

15 Q Were you in uniform that day?

16 A Yes, I was.

17 Q Officer, I'd like to ask you about that  
18 morning about 8:30 in the morning. Did you have  
19 occasion to come into contact with a gentleman by the  
20 name of Romeo Ezike?

21 A Yes.

22 Q Do you see him in court today?

23 A Yes.

24 Q Point him out?

1 A Right over there dressed in tan.

2 THE COURT: In-court identification of the  
3 defendant reflected in the record.

4 MR. KRUSS:

5 Q Officer, what were you doing when you first  
6 encountered Mr. Ezike that morning?

7 A We were patrolling the food court area, me and  
8 my partner.

9 Q Who was your partner?

10 A Officer David Ware.

11 Q And what was Mr. Ezike doing when you first  
12 encountered him?

13 A When we first encountered him, we were in  
14 front of McDonalds. Somebody yelled out to us and we  
15 looked and it was him.

16 Q And did you have a conversation with Mr.  
17 Ezike at that time?

18 A Yes, we did.

19 Q And what was the nature of that conversation?

20 A He yelled out that we were following him, and  
21 we asked him what he was talking about. Again he  
22 asked -- we asked him what are you talking about. He  
23 said you are following me. We said what are you  
24 talking about. This went back and forth.

1 Q And did you have an occasion to arrest Mr.  
2 Ezike at that time?

3 A No, I didn't.

4 Q How long were you present with Mr. Ezike that  
5 morning?

6 A Roughly 10 minutes, 15 minutes.

7 Q After that 10 or 15 minutes, what happened?

8 A We let him go. We ran a name check. This  
9 guy was yelling at us saying we were following him. He  
10 said was going to be in the McDonalds and drinking his  
11 coffee and staying in the food court. So I later him  
12 asked him if he would be traveling by Amtrak or Metra.  
13 He started yelling he wasn't going to be traveling at  
14 all. He was going to stay in the food court and he was  
15 going to drink his coffee and not be put out.

16 At that point I asked him for ID. I got the  
17 ID. I called Officer Nolan on the side band to name  
18 check it.

19 Q When you got Mr. Ezike's identification, did  
20 you learn where he resided?

21 A At that point, no.

22 Q Now, officer, you filled out a report  
23 regarding your incident with Mr. Ezike?

24 A Yes, I did.

1 Q And in that report did you have occasion to  
2 record the address where Mr. Ezike was living?

3 A The address I recorded was on the license he  
4 had given me.

5 Q Do you recall what that address was?

6 A It was out of state.

7 Q Do you recall what state it was in?

8 A I believe it was Washington, but I can't be  
9 sure.

10 Q Do you recall what the actual address was?

11 A The actual address itself, no.

12 Q Is there anything that would refresh your  
13 memory what the address was?

14 MR. MORLEY: Objection.

15 THE COURT: Overruled.

16 THE WITNESS: No. If I looked at the report I  
17 guess.

18 MR. KRUSS: May I approach the witness?

19 Q Show the officer what I'm identifying as  
20 Defense Exhibit No. 1. Do you recognize this?

21 A Yes, I do.

22 Q What's that document?

23 A It's the report I wrote.

24 Q And it's regarding your encounter with Mr.



1 Ezike?

2 A Yes.

3 Q Look at the section where Mr. Ezike's address  
4 is. Is your memory now refreshed?

5 A What I wrote?

6 Q Do you recall what his address is?

7 A Seattle, Washington was the state.

8 Q After your encounter with Mr. Ezike was over,  
9 did you not arrest him?

10 A No, I did not.

11 Q What did Mr. Ezike do after your encounter  
12 was over?

13 A During the encounter he asked to see a  
14 supervisor; so I called my sergeant. My sergeant came  
15 up.

16 Q Was was the name of your sergeant?

17 A Sergeant Blondon.

18 Q And Sergeant Blondon approached?

19 A Yes.

20 Q When Sergeant Blondon approached, who was  
21 present?

22 A It was myself, Officer Ware and the  
23 defendant.

24 Q What happened -- how long did it take

1 Sergeant Blondon to arrive at the food court?

2 A 2 or 3 minutes, not very long.

3 Q When Sergeant Blondon arrived, what happened?

4 A He was still yelling at us. He was still  
5 going back and forth with us, and she approached him  
6 and she verbally warned him about his disorderly  
7 conduct. At this point people were starting to gather  
8 around.

9 Q Did Sergeant Blondon place Mr. Ezike under  
10 arrest at that time?

11 A No, she did not.

12 Q What was the outcome when Sergeant Blondon  
13 approached, what was the outcome?

14 A He wanted to place a complaint against myself  
15 and my partner. She told him she would be more than  
16 happy to take his statement. She told him he could  
17 finish his coffee, and he said he would, and she gave  
18 him directions to our office downstairs in the old  
19 building.

20 Q Now after Sergeant Blondon gave Mr. Ezike the  
21 directions, what did you do?

22 A He was clear. My partner called me back and  
23 let me know he was clear from NCIC and Leads of any  
24 warrants and that's it, just let him go.

1 Q And was that the end of your encounter with  
2 Mr. Ezike at that point?

3 A Yes, it was.

4 MR. KRUSS: Thank you. Nothing further.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. MORLEY:

8 Q Officer Piedra, on the 28th of November,  
9 2005, were you working at 210 South Canal?

10 A Yes, I was.

11 Q That's Union Station?

12 A Yes, it is.

13 Q At 8:30 in the morning what's going on at  
14 Union Station?

15 A It's rush hour, it's crowded with people  
16 everywhere.

17 Q This morning it was pretty crowded on that  
18 day?

19 A Yes, it was.

20 Q And you were working with Officer Ware?

21 A Yes, I was.

22 Q And your normal foot patrol duties?

23 A Yes.

24 Q And you were in the area near the food co

1 A We were patrolling the food court. We walked  
2 around. We were actually standing by the McDonalds  
3 watching the crowd go by.

4 Q The defendant came up to you and started  
5 accusing you of following him, is that correct?

6 A The defendant began yelling from inside the  
7 McDonalds and it caught our attention.

8 Q You weren't following him?

9 A No.

10 Q You were on your normal patrol?

11 A Yes.

12 Q You had seen the defendant before, correct?

13 A Yes, I have.

14 Q And you had never had any face-to-face  
15 contact with him?

16 A No reason to, no.

17 Q You had seen him for a couple of weeks?

18 A I seen him for a couple of weeks on several  
19 occasions.

20 Q At least 5 occasions?

21 A Yes.

22 MR. KRUSS: Objection. This is beyond the scope  
23 of the direct.

24 THE COURT: Overruled.



1 MR. MORLEY:

2 Q And this was your first conversation with  
3 him?

4 A Yes.

5 Q And he was yelling at you that you were  
6 following him?

7 A Yes.

8 Q And at this time you had been with the Amtr  
9 police for about 3 months?

10 A About 4 months, yes.

11 Q And he was attracting a crowd?

12 A Yes, he was.

13 Q And he indicated to you that he was not  
14 traveling with Amtrak or Metra?

15 A Yes.

16 Q And those are the two trains that run out of  
17 Union Station?

18 A Yes, they are.

19 Q Now you asked him for an ID?

20 A Yes, I did.

21 Q He gave you an ID?

22 A Yes, he gave me an ID.

23 Q He also asked to speak to your supervisor?

24 A Yes, he did.

1 Q And you summoned your supervisor?

2 A Yes, I did.

3 Q And Sergeant Blondon came to that location?

4 A Yes, she did.

5 Q And it only took about 5 minutes?

6 A Roughly.

7 Q And she warned him of his disorderly conduct  
8 because he was yelling and attracting a crowd?

9 A Yes, and she explained to him that we weren't  
10 following him. We were just on our regular patrol.

11 Q She said your job?

12 A Yes.

13 Q Defendant expressed an interest in filing a  
14 complaint against you and your partner?

15 A Yes, he did.

16 Q Sergeant Blondon told him how to file a  
17 complaint against you and your partner?

18 A Yes, she did.

19 Q She told him where the police station was?

20 A Yes, she did.

21 Q And he told her leave me alone, I just want  
22 to finish my coffee?

23 A No, he said would be finishing his coffee,  
24 but he would be down to file a complaint later.

1 Q And you left him to drink his coffee?

2 A Yes, I did.

3 Q He wasn't placed into custody?

4 A He was not placed into custody.

5 Q You did do a report in this incident?

6 A Yes.

7 Q And that was on a disorderly conduct?

8 A Yes, it was.

9 Q Is that normal procedure when you have an  
10 encounter with a person at the Amtrak police station?

11 A Yes, it is.

12 Q And you at that time you just had his ID  
13 address, is that correct?

14 A That's right.

15 Q And you didn't deal with any subsequent  
16 arrests for any other offenses?

17 A No.

18 MR. MORLEY: Nothing further.

19 MR. KRUSS: Brief redirect.

20 THE COURT: Redirect.

21 REDIRECT EXAMINATION

22 BY MR. KRUSS:

23 Q Officer, you indicated this wasn't the first  
24 time you had seen Mr. Ezike, is that correct?

1 A That's correct.

2 Q You believe you said you had seen him on a  
3 prior occasion, is that correct?

4 A At least.

5 Q How far along a period of time were those  
6 occasions?

7 A I'd say from that encounter, two weeks before  
8 I had seen him.

9 Q On any of those prior occasions did Mr. Ezike  
10 yell at you?

11 A No, he did not.

12 Q On any of those prior occasions was he doing  
13 anything that was illegal?

14 A No.

15 MR. KRUSS: Thank you. Nothing further.

16 THE COURT: Recross.

17 MR. MORLEY: No, sir.

18 THE COURT: You can step down, officer. Thank  
19 you.

20 (Witness was excused.)

21 MR. KRUSS: At this time the defense calls Officer  
22 Nolan.

23 (Witness was sworn.)

24

Exhibit 52



1 OFFICER BRIAN NOLAN,  
2 called as a witness on behalf of the Defense, having  
3 been first duly sworn, was examined and testified as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. KRUSS:

7 Q Good afternoon, officer. State your name and  
8 spell it for the record.

9 A Officer Brian Nolan, N-O-L-A-N.

10 Q Officer, whom are you employed by?

11 A The Amtrak police department.

12 Q How long have you been employed by the Amtrak  
13 police?

14 A 5 years.

15 Q Were you on duty on November 28th of last  
16 year?

17 A I was.

18 Q And was that around 9:30 in the morning?

19 A It was.

20 Q And at around 9:30 in the morning on November  
21 28th where were you -- where were you on duty at?

22 A Union Station in Chicago.

23 Q Where is that located?

24 A 210 South Canal Street.

1 Q Around 9:30 that morning did you have  
2 occasion to come into contact with a gentleman by the  
3 name of Romeo Ezike?

4 A Yes.

5 Q Do you see him in court today?

6 A Yes.

7 Q Point him out and identify an article of  
8 clothing he's wearing?

9 A Defendant sitting on the right side of the  
10 courtroom with tan DOC jump suit.

11 THE COURT: The officer identified the defendant  
12 in open court.

13 MR. KRUSS:

14 Q Officer, how is it you came into contact with  
15 Mr. Ezike that morning?

16 A I had run a criminal history check. After I  
17 ran a warrant check on him which revealed he was a  
18 registered sex offender.

19 Q How was it you came to run a check on Mr.  
20 Ezike?

21 A I was asked to run a criminal sheet from  
22 Officer Piedra who had him stopped.

23 Q What do you do when you run a criminal  
24 history?

1           A     Type it into the computer and it sends out to  
2 the FBI records.

3           Q     Does it look for warrants or does it look for  
4 something else?

5           A     It looks for warrants, criminal history,  
6 traffic offenses.

7           Q     You said you put Ezike's name into the  
8 system?

9           A     Yes.

10          Q     Did you put any other identifiers besides his  
11 name?

12          A     His state identification number, his SID  
13 number out of California.

14          Q     What is that state identification number?

15          A     It's a number that's issued to a person  
16 that's arrested by any particular state. It gets sent  
17 to the FBI national records.

18          Q     How is it you had that information for Mr.  
19 Ezike?

20          A     From the criminal history I had run.

21          Q     Well, I guess I'm not following you. How --  
22 what prompted you to get the state identification  
23 number from Mr. Ezike so you could find out the other  
24 information?

1 A That comes with the criminal history check.

2 Q Well, when you do the criminal history check,  
3 what information do you need?

4 A Name, date of birth, and if you have a social  
5 security number, you can use that, too.

6 Q How was it you obtained this information  
7 regarding Mr. Ezike?

8 A From Officer Piedra.

9 Q And when did Officer Piedra give you this  
10 information?

11 A When she had him stopped up at McDonalds.

12 Q Do you recall what time it was you received  
13 the information from Officer Piedra?

14 A Roughly 8:30, 9:00 o'clock, somewhere in that  
15 area.

16 Q It was roughly about an hour before you  
17 encountered Mr. Ezike yourself?

18 A Correct. *one*

19 Q Now you said you ran the criminal information  
20 on Mr. Ezike?

21 A Yes.

22 Q What did that -- what, if anything, was  
23 revealed when you ran that information?

24 A The information on the criminal history out



1 of California was that Mr. Ezike was a registered sex  
2 offender.

3 Q Registered sex offender in what state?

4 A In the State of California.

5 Q And did it show anything else?

6 A Out of California, no.

7 Q Were there any active warrants for Mr. Ezike?

8 A No.

9 Q How exactly did you come into contact with  
10 Mr. Ezike at 9:30 in the morning?

11 A Mr. Ezike came into the office to file a  
12 complaint against Officers Piedra and Ware.

13 Q And when he came to the office did you have  
14 occasion to have a conversation with him?

15 A I did.

16 Q What was the nature of the conversation?

17 A The nature of the conversation was to  
18 basically ascertain an address of where he had been  
19 staying.

20 Q Now when you say address of where he had been  
21 staying, did you ask him whether he was -- where he was  
22 residing?

23 A He was not providing an address with Sergeant  
24 Blondon for the complaint for any type of further

1 follow-up and so he had said he was homeless; so I  
2 asked him if he had stayed in any shelters in the  
3 Chicagoland area and he said many.

4 I asked him if he had stayed at the Pacific  
5 Garden Mission and he said yes. I asked for how long.  
6 He said a couple will of weeks. I said what's a couple  
7 of weeks. He said 3 to 4 weeks. *Yes*

8 Q Let's backtrack.

9 Were you aware Officer Piedra had learned he  
10 had an identification card -- he had given Officer  
11 Piedra an identification card?

12 A I don't recall. She just gives it to me by  
13 name, date of birth.

14 Q Officer Piedra never gave you name, address  
15 information for Mr. Ezike?

16 A No.

17 Q When Mr. Ezike came into your office, was he  
18 under arrest at that time?

19 A No.

20 Q When you had this conversation with Mr.  
21 Ezike, was he under arrest?

22 A No.

23 Q After this conversation with Mr. Ezike, what  
24 did you do?

1 A Which part of the conversation?

2 Q Well, you said you had said you asked him if  
3 he had stayed at the Pacific Gardens Mission, is that  
4 correct?

5 A Correct.

6 Q What was his response to that question?

7 A That he had stayed there, and I asked for how  
8 long. He said a couple of weeks and I said what is a  
9 couple of weeks. He said 3 to 4.

10 Q After he said that, what did you do?

11 A He was then placed under arrest for failing  
12 to register as a sex offender in the State of Illinois.

13 Q Now after you placed Mr. Ezike under arrest,  
14 did you read him his rights?

15 A He had already been read his rights.

16 Q Who did that?

17 A I did.

18 Q At what point did you read him his rights?

19 A Basically when I went out to try to establish  
20 his residency in Illinois.

21 Q So before -- let me make sure I understand  
22 this. You said you placed him under arrest after a  
23 conversation with him?

24 A Correct.

1 Q Did you read him his rights before you placed  
2 him under arrest or after you placed him under arrest?

3 A Before I started to talk to him before I  
4 placed him under arrest.

5 Q So before you had any conversation with him,  
6 you had read him his rights?

7 A Correct.

8 Q After he was arrested, after you formally  
9 placed Mr. Ezike under arrest, did you attempt to have  
10 a conversation with him?

11 A Later, a couple of hours later I did after I  
12 obtained his sex offender registry cards in the State  
13 of California.

14 Q And was any -- after this couple of hours  
15 later, did you attempt to actually -- let me rephrase  
16 the question.

17 Do you recall about what time it was you  
18 attempted to have this conversation with him following  
19 his arrest?

20 A That I don't.

21 Q Did Mr. Ezike actually speak to you this  
22 couple of hours after he was arrested?

23 A Yes.

24 Q Was anyone else present when you had the



1 conversation with Mr. Ezike?

2 A I believe Sergeant Blondon might have been  
3 outside of the room in the sergeant's office which is  
4 directly across from the detention area.

5 Q You said Sergeant Blondon was outside the  
6 room?

7 A Correct.

8 Q Was she able to hear any conversation you  
9 had?

10 A Yes, she would have been able to.

11 Q Did Mr. Ezike make any statements to you at  
12 that time?

13 A Yes, he did.

14 Q And is it your belief those statements maybe  
15 used against Mr. Ezike at trial?

16 A I can't answer that. I don't know.

17 Q Well, is it your belief that in the  
18 conversation you had with Mr. Ezike a couple of hours  
19 after his arrest -- did he make any statements as to  
20 where he was living?

21 A No.

22 MR. KRUSS: Thank you. I have nothing further.

23 THE COURT: Cross.  
24

CROSS-EXAMINATION

BY MR. MORLEY:

Q Officer Nolan, on the 28th of November last year sometime between 8:30 and 9:00 o'clock, you were on foot patrol in the Union Station area, is that corrects?

A That's correct.

Q And you received a radio transmission from one of your fellow officers?

A Correct.

Q It was Officer Piedra?

A Correct.

Q And she asked you to do a name check on someone?

A That's correct.

Q And you are not able to do a name check out in the field, is that correct?

A Correct.

Q You would go to the Amtrak police station?

A Correct.

Q So based on what Officer Piedra asked you to do, you relocated into the Amtrak police station?

A That's correct.

Q You ran the defendant's name on the computer?

1 A Correct.

2 Q And you learned that the defendant didn't  
3 have any warrants?

4 A Correct.

5 Q Now you stayed in the Amtrak police station?

6 A Yes.

7 Q And sometime later your sergeant came in?

8 A Yes.

9 Q Officer Blondon?

10 A Yes.

11 Q And prior to Sergeant Blondon coming in, you  
12 learned that the defendant was a sex offender,  
13 convicted sex offender registered in California?

14 A That's correct.

15 Q He wasn't registered in Illinois?

16 A Correct, I did not get a registration  
17 response out of Illinois.

18 Q And you learned that the defendant was  
19 required to register wherever he lived for life?

20 A Yes, upon contact to California, yes.

21 Q When Sergeant Blondon got in, you had a  
22 conversation with her?

23 A Yes.

24 Q And you learned that the defendant was coming

1 in to file a complaint?

2 A Yes.

3 Q And Sergeant Blondon would handle the  
4 complaint aspect?

5 A That's correct.

6 Q And you saw the defendant come into file a  
7 complaint?

8 A I did.

9 Q And the defendant was -- defendant initiates  
10 a complaint against these officers, is that correct?

11 A He did.

12 Q But he wasn't providing Sergeant Blondon with  
13 an address?

14 A Correct.

15 Q But he did provide Sergeant Blondon with a  
16 post office box?

17 A Yes, later on.

18 MR. KRUSS: Objection. This goes beyond the  
19 scope, Judge.

20 THE COURT: Overruled.

21 MR. MORLEY:

22 Q Are you required to provide an address when  
23 you file a complaint against someone, is that correct?

24 A That's correct, for follow-up investigation.



1 Q That's in case someone needs to contact them  
2 on whatever occurred?

3 A Correct.

4 Q Now when you talked to the defendant, you  
5 read him his rights?

6 A I did.

7 Q And you asked -- and you were trying to  
8 determine how long he had been in Chicago?

9 A Correct.

10 Q And you were trying to determine if he had  
11 been in Chicago for over ten days?

12 A Correct.

13 Q Because if he's been in Chicago over ten  
14 days, you are required to register in the State of  
15 Illinois if you are permanently living here?

16 A That's correct.

17 Q The defendant indicated he was homeless?

18 A Correct.

19 Q And you asked him where -- you asked him  
20 where he had stayed?

21 A Correct, I asked him if he stayed in homeless  
22 shelters.

23 Q And he told you he had stayed in specifically  
24 homeless shelters or numerous homeless shelters?

1 A Yes.

2 Q You asked him if he had stayed at Pacific  
3 Gardens Mission?

4 A Yes.

5 Q That's on State Street in Chicago?

6 A Yes.

7 Q And it's not that far from Union Station, is  
8 that correct?

9 A Roughly bearly a mile.

10 Q So a lot of people that are homeless in that  
11 area might stay at Pacific Gardens Mission?

12 A They do.

13 Q He indicated he had stayed at Pacific Garden  
14 Mission?

15 A Yes.

16 Q When you tried to find out how long, he told  
17 you approximately 3 to 4 months?

18 A He stayed a couple of weeks and, I said what  
19 is a couple of weeks, and he said 3 to 4.

20 Q The defendant also told you he had an  
21 argument with the State of California because people  
22 were chasing him and that's why he left California, is  
23 that correct?

24 A That they were out to get him, yes.

1 Q After you established the defendant had been  
2 staying here for over 10 days, it's at that point he  
3 was placed in custody?

4 A Correct.

5 Q And you learned that the defendant had a post  
6 office box in Chicago, is that correct?

7 A Correct.

8 Q And that's post office box 803513 in Chicago,  
9 Illinois?

10 A I would have to refer to my records.

11 Q But it was in Chicago?

12 A It was a Chicago, P.O. Box, yes, it was.

13 Q And that's the address he provided you with?

14 A Correct.

15 MR. MORLEY: Nothing further.

16 THE COURT: Redirect?

17 MR. KRUSS: Judge, I have some redirect. We'd  
18 like to ask a couple of questions regarding  
19 specifically the statement for purposes of the motion  
20 to suppress statements.

21 THE COURT: Okay.

22 REDIRECT EXAMINATION

23 BY MR. KRUSS:

24 Q Officer, Mr. Ezike came downstairs, you said

1 he was not under arrest, is that correct?

2 A That's correct.

3 Q How long have you been a Metra police  
4 officer?

5 A I'm an Amtrak police officer for 5 years.

6 Q I'm sorry. You said that before you placed  
7 Mr. Ezike under arrest, you read him his rights, is  
8 that correct?

9 A That's correct.

10 Q Is that your standard practice of reading  
11 someone their rights before placing them under arrest?

12 A If I'm trying to ascertain information that  
13 may lead to arrest, it's general practice, yes.

14 Q Now was Mr. Ezike at the moment you read Mr.  
15 Ezike his rights, was he free to leave?

16 A Yes.

17 Q Now after you placed him under arrest, you  
18 said that you learned some information about a post  
19 office box, is that correct?

20 A Correct.

21 Q And you didn't know that information before  
22 you placed him under arrest, is that correct?

23 A He had given Sergeant Blondon the post office  
24 box after she had tried -- after both of us had tried

1 to explain to him they need an address to put down in  
2 order to send some type of correspondence for follow-up  
3 investigation.

4 Q But at the time that you actually placed him  
5 under arrest, did you know specifically where Mr. Ezike  
6 was residing?

7 A I knew he lived in Chicago.

8 Q But you did not know where he was actually  
9 residing at the time you placed him under arrest?

10 A Where exactly, not exactly, no.

11 Q Now in terms of you testified that Mr. Ezike  
12 made some statements to you, did you ever take these  
13 statements down in a written form?

14 A From him, no.

15 Q Did you ever have Mr. Ezike sign anything?

16 A No.

17 Q Now you had the opportunity to, if you  
18 wished, to take this statement in writing, is that  
19 correct?

20 A The statement that I had obtained from him it  
21 was basically just a yes-or-no response I was looking  
22 for.

23 Q But you could have taken a written statement  
24 if you wished to, is that correct?



1 A If I wished to.

2 MR. KRUSS: Thank you. I have nothing further.

3 THE COURT: Recross?

4 RECROSS-EXAMINATION

5 BY MR. MORLEY:

6 Q Officer Nolan, before you placed the  
7 defendant under arrest, he told you that he was  
8 homeless, is that correct?

9 A Correct.

10 Q He told you he had been staying here for  
11 approximately 3 to 4 weeks?

12 A That he had stayed in the Pacific Garden  
13 administration for 3 or 4 weeks, yes.

14 Q And he told you he had been living in several  
15 homeless shelters?

16 A Correct.

17 MR. MORLEY: Nothing further.

18 MR. KRUSS: Nothing based upon that.

19 THE COURT: Officer, you can step down. Thank you  
20 very much.

21 (Witness was excused.)

22 MR. KRUSS: At this time defense rests.

23 MR. MORLEY: State rests.

24 THE COURT: Arguments.

1 MR. KRUSS: Judge, would you prefer to argue both  
2 motions at the same time?

3 THE COURT: If you want, there's no written motion  
4 to suppress.

5 MR. KRUSS: Actually there was a written motion to  
6 suppress statement.

7 THE COURT: There's no written statement. It's  
8 like an oral admission or something like that. I  
9 assume as to where he lived or something like that.

10 MR. KRUSS: Judge, you heard two officers testify  
11 today, Officer Piedra as well as Officer Nolan, and  
12 Officer Piedra testified that she encountered Mr. Ezike  
13 in the morning of November 28, '05 about 8:30 in the  
14 morning at Union Station; that Mr. Ezike was supposedly  
15 yelling at officer Piedra.

16 In fact Mr. Ezike was being threatened with  
17 being charged with disorderly conduct, but at the end  
18 of their encounter, Mr. Ezike remained in the Union  
19 Station food court and approximately an hour later  
20 encountered Officer Nolan in the Amtrak police office.

21 Now when Mr. Ezike spoke with Officer Piedra,  
22 Officer Piedra told you Mr. Ezike gave his  
23 identification card and showed his address as being in  
24 Seattle, Washington. That was the extent of the

1 information that Officer Piedra had.

2           Apparently according to Officer Nolan,  
3 Officer Piedra called him and gave him some information  
4 on Mr. Ezike, and Officer Nolan had looked him up on  
5 the computer system, and as a result of that there was  
6 no active warrant out for Mr. Ezike.

7           It showed that Mr. Ezike was a registered sex  
8 offender in the State of California. There is no  
9 further information regarding Mr. Ezike. As I said no  
10 active warrant for Mr. Ezike.

11           About an hour after the initial encounter by  
12 Officer Piedra, Mr. Ezike goes to the Amtrak police  
13 office and speaks to Officer Nolan.

14           It's interesting the first thing Officer  
15 Nolan does is to, according to his testimony, he reads  
16 Mr. Ezike his rights. All Officer Nolan knows about  
17 Mr. Ezike there's no active warrant for him. *Note*

18           He wasn't being arrested for anything because  
19 Officer Piedra let's him go and he has to register as a  
20 sex offender in California. That's the extent of the  
21 information Officer Nolan has about Mr. Ezike.  
22 However, at that point Officer Nolan reads Mr. Ezike  
23 his rights. Officer Nolan testified Mr. Ezike would  
24 have been free to leave at that point.

1 I contend to you that's ludicrous. At the  
2 moment that Officer Nolan read Mr. Ezike his rights,  
3 Mr. Ezike was placed under arrest by the Officer.

4 The first issue is whether it was probable  
5 cause to make that arrest, and I contend there is not.  
6 Again Mr. Ezike was not arrested for the encounter with  
7 Officer Piedra. He was simply let go with a warning.  
8 That slim warning causing a disturbance didn't rise to  
9 somebody would be arrested for. He didn't have any  
10 active warrant and he was a registered sex offender in  
11 California.

12 Plus there was no evidence whatsoever at that  
13 point that Mr. Ezike actually resided in Illinois. Mr.  
14 Ezike had given an identification to Officer Piedra  
15 that said Seattle Washington. Officer Nolan hadn't  
16 spoken to Mr. Ezike at the point he read him his  
17 rights, there would be no way for the officer to know  
18 anything about residing in Pacific Gardens or homeless  
19 or any of that information. The officer knew nothing  
20 about that at the time he read his rights to Mr.  
21 Ezike.

22 I believe at best the officer was acting on a  
23 hunch when he read Mr. Ezike his rights. He may have  
24 suspected there was something going on. Certainly it

1 was not probable cause.

2           Again there was nothing explicit like an  
3 outstanding warrant to indicate yes, this guy needs to  
4 be held. There was no such thing in regards to Mr.  
5 Ezike.

6           In any event though, Officer Nolan has a  
7 conversation with Mr. Ezike, and after reading him his  
8 rights and everything, this conversation was never  
9 taken down in writing. It's oral.

10           Mr. Ezike never signed anything and Sergeant  
11 Blondon may or may not have been present for this  
12 conversation at some point, but the bottom line is that  
13 Officer Nolan speaks to Mr. Ezike and Mr. Ezike tells  
14 him he's homeless and he had been living at Pacific  
15 Gardens Mission and he had been there a couple of  
16 weeks. He hadn't stayed there and he had been at other  
17 shelters in the area.

18           Let's assume everything the officer says is  
19 true, that everything Mr. Ezike supposedly told him is  
20 in fact correct, well, he doesn't have -- if what the  
21 officer is saying is true, Mr. Ezike tells him he's  
22 homeless.

23           He doesn't have place to live. If he doesn't  
24 have a place to live, it's quite difficult to have an



1 had the opportunity to take these statements in  
2 writing. He did not do so.

3 Mr. Ezike did not sign any waiver whatsoever  
4 about his right to remain silent, and all we have is  
5 the officer saying yes, he told me these things.

6 For those reasons I ask the court to first  
7 grant the motion to quash the arrest and suppress  
8 evidence. Failing that, I ask the court grant the  
9 motion to suppress statements.

10 THE COURT: State.

11 MR. MORLEY: Your Honor, we ask you to deny both  
12 of the defendant's motions. There's no evidence here  
13 that the officers were anything but absolutely  
14 respectful of both the defendant's 4th Amendment right  
15 concerning his seizure and the 5th Amendment right  
16 concerning the incriminating statements he made on  
17 himself. There really wasn't even a seizure for 4th  
18 Amendment purposes until the defendant actually made  
19 the incriminating statements, at which time he was  
20 placed under arrest.

21 For whatever reason the defendant decided to  
22 initiate contact with the police in this case when he  
23 approached them outside of the McDonalds and said you  
24 are following me. And did despite the fact that the

1 defendant was loud and accusatory and being disorderly  
2 at rush hour in Union Station, these police officers  
3 let him go and provided him with information on how you  
4 go about filing a complaint against the Amtrak police.

5 The officer did run the name to make sure  
6 that there was -- there were no warrants, and Officer  
7 Nolan took the additional step of who -- let's find out  
8 a little bit about this person that we're dealing with,  
9 and he found out the defendant was a registered sex  
10 offender.

11 We would agree at that he point there isn't  
12 any probable cause to arrest the defendant. However,  
13 because he's in Illinois, he had already indicated he's  
14 not traveling and as he's in the station, there's more  
15 than enough reasonable suspicion to stop him.

16 Regardless of that, he was free to leave as the officer  
17 indicated. He didn't want to leave. He wanted -- he  
18 came into the station to file a complaint against the  
19 police officers. He was free to leave, but he didn't  
20 want to leave.

21 At that point as the officers are talking to  
22 him, he's aware this guy is a registered sex offender.  
23 He's supposed to be registered if he's in Illinois.  
24 He's aware while the defendant is not under arrest, he

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1 was asking him questions that were designed to elicit  
2 an incriminating response. It wasn't until after the  
3 rights were given and the incriminating response was  
4 given by the defendant to the officer that he was then  
5 placed under arrest.

6 And it's not really an issue for the motion,  
7 but in terms of how difficult it is to register as a  
8 sex offender if you don't have a home, the defendant is  
9 required to register as a sex offender. The officer  
10 pulled up that information. He's required to register  
11 for life. He indicated to the officer I have been here  
12 3 or 4 weeks. That's over 10 days. If he's here, he's  
13 supposed to register.

14 In fact the area of Pacific Garden Mission,  
15 that's Beat 132, they have more registered sex  
16 offenders than any other beat in the City.

17 MR. KRUSS: Objection. Beyond the scope.

18 THE COURT: Sustained.

19 MR. MORLEY: The defendant is required to register  
20 as a sex offender. When he said I have been here for 3  
21 to 4 weeks, that's more than probable cause to arrest  
22 him, and we ask you deny the defendant's motion to  
23 suppress the arrest and to suppress -- quash his arrest  
24 and suppress his statement.

1 THE COURT: Rebuttal.

2 MR. KRUSS: Just very briefly, Judge.

3 There is still some question even if you  
4 believe what Officer Nolan said, that it was very vague  
5 as to where Mr. Ezike was in Illinois and how long he  
6 had actually been here. It's unclear as to whether  
7 there was actually a violation of the law because it's  
8 unclear as to how long Mr. Ezike was actually here.  
9 It's unclear as to where he was supposedly staying.

10 Again if you take Officer Nolan's words at  
11 face value, I don't believe that rises to probable  
12 cause to arrest Mr. Ezike for failure to register as a  
13 sex offender.

14 Thank you.

15 THE COURT: I always like to look at the  
16 historical perspective. Where are we in time in  
17 America right now. Do we all know, every single  
18 American know that terrorists bomb transportation  
19 centers; that's why people like the Amtrak police are  
20 there with a heightened awareness to patrol areas.

21 They have a right to be there. I'm glad they  
22 are there. They are looking around and they are  
23 looking around for anybody suspicious. They didn't  
24 have to look too hard because the defendant drew

1 suspicion to himself. He called attention to himself.

2           Inspite of all of that, inspite of all his  
3 assertions out there, the police didn't arrest him.  
4 They said fine, finish your coffee. If you want to  
5 file a complaint, there is the office, go file a  
6 complaint. A requirement for filing a complaint is  
7 giving your address and all he gave was a post office  
8 box.

9           Both of the officers were highly credible,  
10 doing their job, not looking for trouble, not harassing  
11 the defendant, and basically the defendant walks into a  
12 police station to file a complaint. He brought the  
13 heat on himself, and then when they asked him, they  
14 even give him his rights before they ask him any  
15 questions, something that's never done by the police.  
16 So Amtrak was like overly professional, overly  
17 courteous, overly respectful, highly professional in  
18 their dealings with the defendant.

19           There's not one legal basis to quash his  
20 arrest. So the only thing to suppress of the arrest  
21 would be his oral statement and there's no basis to  
22 suppress that statement. The interrogation was against  
23 the response of him coming in complaining. He brought  
24 the heat on himself.



1 Motion to quash an arrest and suppress  
2 evidence denied. Motion to suppress statement denied.

3 MR. KRUSS: We would like to set the matter down  
4 for a jury trial. I have spoken with the state. Looks  
5 like May 15th. There are a couple of matters already  
6 set we'd like to set this May 15th for a jury trial and  
7 go by agreement to that date.

8 THE COURT: By agreement 5/15/06 with subpoenas  
9 for trial. Jury indicated civilian clothes.

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11 (A continuance was taken to 5/15/06.)  
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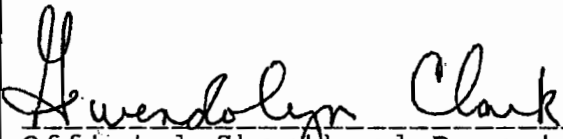
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Exhibit 81

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )

4 THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 I, Gwendolyn Clark, Official  
7 Shorthand Reporter of the Circuit Court of Cook  
8 County Department-Criminal Division do hereby  
9 certify that I reported in shorthand the  
10 proceedings had at the hearing in the  
11 above-entitled cause; and that I thereafter  
12 caused to be transcribed into typewriting the  
13 foregoing transcript, which I certify is a  
14 true and correct transcript of said  
15 proceedings.

16   
17 Official Shorthand Reporter  
18 Circuit Court of Cook County.  
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21  
22  
23  
24